

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 PORTLAND DIVISION

4 CENTURY SURETY COMPANY, an Ohio
corporation,

5 Plaintiff,

No. 03:13-cv-00054-HU

6 vs.

7 IJ, INC., an Oregon corporation;
8 IAN PAUL SIEREN; JOHN PAUL SIEREN;
and SAMUEL BRACKEEN;

**ORDER GRANTING PARTIAL
SUMMARY JUDGMENT**

9 Defendants.
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4 BROWN, District Judge:

5 On June 18, 2013, the plaintiff Century Surety Company
6 ("Century") filed a motion for partial summary judgment. Dkt. #22.
7 In the motion, Century requested an order declaring that
8 (1) "Century Surety Company has properly rescinded policy nos.
9 CCP 702254 and CCP 758314 that it previously issued to IJ, Inc.";
10 (2) "Both policies are void and of no force or effect"; and (3)
11 Century has no duty to defend the defendants IJ, Inc.; Ian Paul
12 Sieren; and John Paul Sieren; "against any claims or lawsuits
13 including, but not limited to, the personal injury lawsuit asserted
14 by Samuel Brackeen. . . ." *Id.*, p. 2.

15 Pursuant to the parties' previous stipulations, the defendants
16 Ian Paul Sieren, John Paul Sieren, and Samuel Brackeen have been
17 dismissed with prejudice from this case, leaving IJ, Inc. as the
18 only remaining defendant. The parties now have stipulated that an
19 order may be entered granting Century's motion for partial summary
20 judgment. Dkt. #45. Accordingly, Century's motion for partial
21 summary judgment (Dkt. #22) is **granted**. The court hereby declares
22 that the two insurance policies issued by Century Surety Company to
23 IJ, Inc., bearing policy numbers CCP 702254 and CCP 758314, were
24 properly rescinded by Century Surety Company, and are void and of
25 no force or effect. This resolves Century's First Cause of Action.

1 Century's Second Cause of Action, alleging IJ, Inc. made
2 material, false representations of fact that damaged Century, is
3 not resolved by this Order.

4 This order is intended to allow Century Surety to proceed with
5 a claim against IJ to recoup Century's costs in defending and
6 settling the underlying lawsuit brought by Samuel Brackeen subject
7 to IJ's defenses.

8 IT IS SO ORDERED.

9 Dated this 27th day of November, 2013.

10 /s/ Anna J. Brown

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ANNA J. BROWN
12 Unites States District Judge
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